

MENDENHALL INVESTIGATIONS

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February 25th, 2015

Representative Shelley Hughes
Alaska State Legislature
House of Representatives
Vice Chairman
Labor and Commerce Committee
State Capitol Room 13
Juneau, Alaska 99801-1182

Dear Representative Hughes

Having reviewed the current draft of HB9 Version W, I still have many concerns about the bill as it currently is written. I am still very adamantly opposed to licensing it is just not needed. If I was required today to obtain a license today I would qualify for a license but I see the current bill as expensive and very restrictive and way to complicated. I have organized my objections on a section-by-section basis.

Section 08.85.120. This section spells out the basic requirements for an investigator to get a license nothing further is needed to issue a license on the basic requirements part of this section. One area in this section that needs to be refined is 08.85.120 (3) the language "moral turpitude" is vague and undefined. Among a group of investigators and some attorneys who have been asked if they could define

moral turpitude, no one can prepare a definition for the language moral turpitude that covers all of the possible issues. It becomes a problem without a definition , the Department of Commerce will be left to make subjective findings. The other problem is that it has no limit such as 10 years that would be in harmony with the felony and misdemeanor limitations. Having spoken to several additional attorneys I was told that the definition for moral turpitude has not been adequately defined even in Federal Immigration Law and it has lead to a lot of litigation.

Section 08.85.130 should just be deleted it is unnecessary and it just restricts the industry while offering nothing. What possible reason can exist for an Agency License? Lets make it simple if you qualify for a license that is all you need. The license is issued in the investigators name just like a drivers license is issued in the name of the driver.

Section 08.85.140 (b) This section deals with Class A of license and the requirements for 1500 hours of experience. The issue of the hours is that while the bill says that the time is about equal to one year's work the reality is that it is about 2 -3 years work if it is based on billing hours. Many investigators that are self-employed and they just do not have that many billable hours in a year. I exceed that many times over but I have been doing this a long time. The bill also fails to recognize that the training ground for private investigators is from the public defender agency investigators that decide to go out on their own and former police officers. The other issue a private investigator cannot reveal whom their clients are and so the documenting the hours worked is going to be difficult if not impossible especially for some one who is attempting to enter the profession.

Section 08.85.150 is unnecessary and should be deleted no need exists for license at various levels if you are attempting to keep felons and sex offenders from having a license. The general requirements section covers all that is needed.

Section 08.85.160 (b) The information provided on the application is not confidential and as a result a private investigator may suffer harm or his family suffer harm because this information is available. As it was pointed out to me, how many of my criminal case clients are unhappy with the results and have nothing better to do that harass an investigator. I have spent many years using my office as my mailing address to protect my wife and family from some of the people that I have had to work with as a private investigator. I would like to point out that Police Officers home addresses and phone numbers and other personal information is kept as a confidential record. Why can it not be done for private investigators?

Section 08.85.210 (c) the requirement to carry the card or license. If an investigator is under cover this could lead to him being hurt.

Section 08.85.220 should be deleted. No compelling reason exists to have special licenses for agencies. Again the license is issued to the individual it's his license and if he want to work with a company he goes to work for them. It is in some ways like the carpenter owns his tools he takes them with him when he goes to work. The private investigator takes his license with him and goes to work.

Section 08.85.240 the whole section should be removed. Private investigators do not need guns we are not cops. This was put in to the bill for the former cops who think they need gun. I think this could cause liability issues that would lead to an increase in our insurance costs. . I would also like to point out that in a phone call

with my insurance carrier I was asking about the provisions in the bill dealing with handguns. I was told that If the bill passes with language in it for hand guns that investigators should know that the cost of insurance for errors and omission and general liability policies will increase perhaps as much as double. He also reminded me that my current policy does not allow for the carry of handguns.

The people that it licenses must pay for a licensing program. The first fiscal note would have us paying \$2,900 dollars for a biannual license. With the insurance that I have to carry for my State of Alaska contract and error and omissions policy in the amount of 1,000,000 dollars for a cost of \$850.00 -\$900.00 dollars per year. I would have to pay \$4,600.00 biannually for a license. I recognize that an attempt is being made to reduce the amount of the fiscal note, but investigators have other expenses that are required by insurance companies that we work with as well as the State of Alaska's contract requirements all require an error and omissions policy, premises liability policies, auto insurance policies and now an additional expense a State License.

While I have other complaints about the bill and the lack of a good reason to have a license with the industry having had no significant problems in the many years that I have been involved. I would hope that if this bill moves foreword that it stripped down and simplified. My deepest wish is the sponsor withdraws the bill.

I have testified before the House Labor and Commerce in the past and I am willing to do so now but I know that a large number of my friends and investigators want to testify about the problems in this bill. I know that some of them will address other area's in the bill that I have not addressed. I will refrain from

testifying until the others have had an opportunity to speak their piece. I will remain available for any questions that anyone may have about my thoughts on the bill.

Yours

A handwritten signature in black ink, consisting of a large, loopy 'O' followed by a series of sharp, vertical strokes that taper off to the right.

H.H. "Tres" Lewis

cc:

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